

Philosophical Perspectives on Justice: Desert

PHIL 273.001

Spring 2018 – Tues. & Thurs. 12:30-1:45

Phillips Hall 381

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Office Hours: Tues. & Thurs. 2:00-3:00

Course Description:

In the Institutes of Justinian, a sixth-century codification of Roman law, justice is defined as ‘the constant and perpetual will to render each his due’. Absent further specification the proposal is rather abstract. We might ask, in particular, what it would mean to ‘render each his due’. A plausible first pass is that to render each his due is to give each what he *deserves*. And in fact, there is a venerable tradition according to which justice is, at the most basic level, a matter of receipt in accord with desert. This course explores this tradition. We’ll canvass a number of historical and contemporary sources with the goal of answering questions including, but not limited to, the following: What is it to deserve something? What (if anything) do we deserve? In virtue of what do we deserve the things we do? We’ll then bring various candidate answers to these questions to bear in assessing the plausibility of various ‘desertist’ theories of justice. One point of focus will be the common criticism that desertist theories have objectionably inegalitarian implications.

Assessment:

Attendance & Participation: 20% of overall grade

Attendance is mandatory. Participation and preparedness are also mandatory. Occasional pop quizzes will be given throughout the term that will aid in assessing your overall preparedness for class; these will count toward your attendance & participation score. Formal explanations must be provided for an absence to be considered excused. Arriving ten minutes late or leaving ten minutes early counts as an unexcused absence. Students with outstanding participation who have fewer than three unexcused absences will receive a bonus in their attendance & participation score.

Short Reading Responses: 30% of overall grade (3 at 10% each)

You will take turns writing short reading responses (500-750 words) on the day’s reading. Over the course of the semester each student will write three responses. Reading responses should highlight and explain *one aspect* of the day’s reading that you found interesting, and *critically respond to it*—you should not simply rehearse the argument of the reading. A schedule for reading responses will be distributed in the second week of class. Responses are due at 6:00 pm on the day before class.

Longer Papers: Midterm Paper (20% of overall grade) and Final Paper (30% of overall grade)

The Midterm and Final Papers will each be 1500-2000 words. Prompts will be provided. In this class, the final paper fulfills the role of the final exam; there is no timed test. The Midterm Paper is due on Thursday, March 8 at 11:59 pm; the Final Paper is due on Friday, May 4 at 12:00 pm.

Electronics:

No phones or laptops without prior permission.

Email:

Allow 24 hours for a response. If you don't hear back within 48 (business) hours, send a short follow up. Be sure to check this syllabus and the course site for answers to your questions before you email to ask them—and please be professional in your correspondence.

Required Texts:

All assigned readings can be found either online or on the course website.

Reading:

All the readings for this course are worth reading. Please read them carefully. I advise reading each piece more than once. The goal should be to understand the author well enough to be able to state her/his argument(s) in your own words. Read critically. Question the author's claims, and question your questioning of those claims. See also the following helpful guide to reading philosophy: www.jimpryor.net/teaching/guidelines/reading.html.

Writing:

A principal aim of this course is to help you develop your skills in producing informative and persuasive writing. There will be lots of opportunities for practice. Prior to writing your first paper, I ask that you please view Angela Mendelovici's 'A Sample Philosophy Paper' and that you read closely Jim Pryor's 'Guidelines on Writing a Philosophy Paper'.

Honor Code:

All students must be familiar with and abide by the Honor Code, which covers such issues as plagiarism, falsification, unauthorized assistance or collaboration, cheating, and other acts of academic dishonesty. Violations of the Honor Code will not be taken lightly. See <http://catalog.unc.edu/policies-procedures/honor-code/> for more information. Also: re-using papers for past courses qualifies as academic dishonesty, and so is not permitted.

Topics and Readings:**Part One: Historical and Contemporary Characterizations of Desert**

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| 11 January | <i>Introduction & Overview</i> |
| 16 January | <i>Historical Interpretations I</i>
Aristotle, <i>Nicomachean Ethics & Politics</i> (selections)
Kant, <i>Groundwork of the Metaphysics of Morals</i> (selections) |
| 18 January | <i>Historical Interpretations II</i>
Mill, <i>Utilitarianism</i> (selections) |

Sidgwick, *The Methods of Ethics* (selections)
Ross, *The Right and the Good* (selections)

23 January *The Concept I*
Feinberg, "Justice and Personal Desert"

25 January *The Concept II*
Kleinig, "The Concept of Desert"

30 January *The Concept III*
Miller, "Deserts"

Part Two: Desert in Distributive Justice

1 February *Crash Course on Distributive Justice I*
Lamont & Favor, "Distributive Justice" (through section 4)

6 February *Crash Course on Distributive Justice II*
Lamont & Favor, "Distributive Justice" (sections 5-7)

8 February *The Rawlsian Debate I*
Rawls, *A Theory of Justice* (selections)
Zaitchik, "On Deserving to Deserve"

13 February *The Rawlsian Debate II*
Holmgren, "Justifying Desert Claims: Desert and Opportunity"

15 February *The Rawlsian Debate III*
Nozick, *Anarchy, State, and Utopia* (selections)
Cummiskey, "Desert and Entitlement: A Rawlsian Consequentialist Account"

20 February *The Rawlsian Debate IV*
McLeod, "Desert and Institutions"

22 February *The Rawlsian Debate V*
Scheffler, "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics"

- 27 February *Reconsidering Some Received Wisdom I*
Feldman, “Desert: Reconsideration of Some Received Wisdom”
- 1 March *Reconsidering Some Received Wisdom II*
Schmidtz, “How to Deserve”
- 6 March *Desert and Equality I*
Arneson, “Egalitarianism and the Undeserving Poor”
- 8 March *Desert and Equality II*
Pojman, “Does Equality Trump Desert?”
- 9 March ***Midterm Paper due @ 11:59 pm***
- 13 March *No class – Spring Break*
- 15 March *No class – Spring Break*
- 20 March *Desert and Equality III*
Kagan, “Desert and Equality”
- 22 March *Desert and Equality IV*
Olsaretti, “Unmasking Equality?: Kagan on Equality and Desert”
- 27 March *Comparative and Noncomparative Justice I*
Feinberg, “Noncomparative Justice” (through p. 319)
- 29 March *No class – I am away giving a talk*
- 3 April *Comparative and Noncomparative Justice II*
Scheffler, “Justice and Desert in Liberal Theories”
- 5 April *Comparative and Noncomparative Justice III*
Miller, “Comparative and Noncomparative Desert”
- 10 April *Comparative and Noncomparative Justice IV*
McLeod, “On the Comparative Elements of Justice”

Part Three: Desert in Retributive Justice

- 12 April *A Right to Punishment?*
 Morris, “Persons and Punishment”
- 17 April *The Appeal and Worth of Retribution I*
 Moore, “Closet Retributivism”
- 19 April *The Appeal and Worth of Retribution II*
 Moore, “The Moral Worth of Retribution”
 Optional: Dolinko, “Some Thoughts About Retributivism”
- 24 April *Mercy I*
 Smart, “Mercy”
- 26 April *Mercy II*
 Card, “On Mercy”
- 4 May ***Final Paper due @ 12:00 pm***